

Mayor and Council Communication

DATE: 12/13/22

M&C FILE NUMBER: M&C 22-1039

LOG NAME: 20 NORTH RIVERSIDE DR CHANGE ORDER 2

SUBJECT

(CD 4) Authorize Execution of Change Order No. 2 with McMahon Contracting, Inc. in the Amount of \$457,278.90 for Additional Work for North Riverside Drive from Shiver Road to North Tarrant Parkway, Authorize Amendment No.3 with Peloton Land Solutions in the Amount of \$95,370.33 for Additional Engineering and Design for North Riverside Drive from Shiver Road to North Tarrant Parkway, Adopt Appropriation Ordinances and Amend the Fiscal Years 2023-2027 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of Change Order No. 2 in the amount of \$457,278.90 to City Secretary Contract No. 55428 with McMahon Contracting, Inc., for North Riverside Drive from Shiver Road to North Tarrant Parkway for a revised contract amount of \$6,665,695.10;
2. Authorize execution of Amendment No. 3 in the amount of \$95,370.33 to City Secretary Contract No. 48662 with Peloton Land Solutions for North Riverside Drive from Shiver Road to North Tarrant Parkway for a revised contract amount of \$1,194,840.88;
3. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Developer Contribution Fund, in the amount of \$500,000.00, from available funds, for the purpose of funding the North Riverside Drive Shiver Road to North Tarrant Parkway project (City Project No. 100453); for the purpose of funding additional scope required to complete the Project;
4. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Developer Contribution Fund, in the amount of \$81,353.52, received from HDP BHC, LLC as part of an administratively approved Developer Funding Agreement for the purpose of funding the construction of a median opening, left turn lane, driveways and water main tap to serve its private development with the North Riverside Drive from Shiver Road to North Tarrant Parkway project (City Project No. 100453); and
5. Amend the Fiscal Years 2022-2026 Capital Improvement Program.

DISCUSSION:

This Mayor and Council Communication (M&C) is to authorize execution of Change Order No. 2 in the amount of \$457,278.90 to City Secretary Contract No. 55428 with McMahon Contracting, Inc. for a revised contract amount \$6,665,695.10. Change Order No. 2 will provide additional funds for increased levels of adjacent business access during the phased construction, crosswalk improvements to address citizen concerns, pavement and sidewalk adjustments to meet changed field conditions. Additionally, the M&C will authorize the execution of Amendment No. 3 to a design agreement in the amount of \$95,370.33 to reimburse design consultant Peloton Land Solutions (CS 48662) for the additional design and construction services performed during the construction phase in support of the elements included in the contractor change order. Additional funding in the amount of \$500,000.00 is needed to fund the project remaining commitments. Additionally, funds in the amount of \$81,353.52 were received from developer HDP BHC, LLC (CS 57317 - DEVELOPER FUNDING AGREEMENT AND M&C TO APPROPRIATE) to fund site access to its future Behavioral Center development and water connection to the existing main under the road, all improvements which were not anticipated nor budgeted for at the time when the project was funded. The action in this M&C will amend the FY2023-2027 Capital Improvement Program.

Fund	Existing Funding	Additional Funding	Project Total
30104 Developer Contribution	\$6,400,000.00	\$581,353.52	\$6,981,353.52
30108 Transportation Impact Fee Cap	\$2,100,000.00	\$0.00	\$2,100,000.00
Project Total	\$8,500,000.00	\$581,353.52	\$9,081,353.52

Funding is available for appropriation in the Unspecified-All Funds and the N Riverside Dr (Shiver NT Pkwy) projects within the Developer

Contribution Fund for the purpose of funding the N Riverside Dr(Shiver NT Pkwy) project.

Business Equity: McMahon Contracting, Inc. agrees to maintain its initial M/WBE commitment of 14% that it made on the original contract and extend and maintain that same M/WBE commitment of 14% to all prior change orders up to and inclusive of this No. 2. Therefore McMahon Contracting, Inc. remains in compliance with the City's M/WBE Ordinance and attests to its commitment by its signature on the Acceptance of Previous M/WBE Commitment form executed by an authorized representative of its company.

This project is located in CD 4.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Unspecified-All Funds and N Riverside Dr(Shiver NT Pkwy) projects within the Developer Contribution Fund, and upon approval of the above recommendations and adoptions of the attached appropriation ordinances, funds will be available in the Developer Contribution Fund for the N Riverside Dr(Shiver NT Pkwy) project to support the approval of the above recommendations and execution of the contract change order and amendment. Prior to any expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: William Johnson 5806

Originating Business Unit Head: Lauren Prieur 6035

Additional Information Contact: Monty Hall 8662

Expedited